



CITY COUNCIL MEETING MINUTES APRIL 3, 2018 – 6:00 P.M.

The agenda for the April 3, 2018, regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at www.cityoforoville.org on Thursday, March 29, 2018, at 3:35 p.m.

Note: The following minutes are action minutes and provide a succinct recap of actions taken at the meeting. A complete audio recording is available by contacting the City Clerk at (530) 538-2401. You may also watch live meetings or past meetings via the internet by going to www.cityoforoville.org and clicking on the City Council Agendas & Minutes page and click WATCH LIVE MEETINGS.

The April 3, 2018 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 6:00 p.m.

ROLL CALL

Present: Council Members Jack Berry, Marlene Del Rosario, Linda Draper, Art Hatley, Vice Mayor Janet Goodson and Mayor Linda Dahlmeier.
Absent: Council Member Scott Thomson (excused)

Staff Present:

Tom Lando, Interim City Administrator	Scott Huber, City Attorney
Bill LaGrone, Police/Fire Chief	Mike Massaro, Contract City Engineer
Ruth Wright, Director of Finance	Karolyn Fairbanks, Treasurer
Dawn Nevers, SBF Program Coordinator	
Gary Layman, Chief Building Official	

CLOSED SESSION (6:00 PM)

At 6:01 p.m. Mayor Dahlmeier announced that the City Council would convene to closed session for the following matters:

1. Pursuant to Government Code section 54957.6, the Council will meet with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville Firefighters' Association, Oroville Police Officers Association (Sworn and Non-Sworn), Oroville Public Safety Mid-Managers Association, Oroville Management and Confidential Association, and Oroville City Employees Association.
2. Pursuant to Government Code Section 54957(b), the Council will meet with Acting City Administrator, Personnel Officer, and/or City Attorney to consider the employment related to the following positions: City Administrator.
3. Pursuant to Government Code section 54956.9(d)(2), the Council will meet with the Acting City Administrator and City Attorney regarding potential exposure to litigation – one case.

Mayor Dahlmeier reconvened the meeting at 6:30 p.m. and announced that direction was given, no action taken in closed session.

OPEN SESSION

Scott Huber, City Attorney, informed the Council that the following item came to the attention of the City of Oroville staff subsequent to the posting of the agenda for this April 3, 2018 Regular Meeting. Pursuant to Government Code Section 54954.2, staff is requesting the Council take action to add these items to the agenda. This matter is scheduled for hearing next week on April 10, 2018.

A motion was made by Council Member Draper, seconded by Council Member Hatley, to **add the following item to Regular Business Agenda Item No. 8:**

Consider sending a letter of support to Assembly Member Gallagher regarding AB 2957 to request the University of California system create a water technology hub in Oroville.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Vice Mayor Goodson and Mayor Dahlmeier
Noes: None
Abstain: None
Absent: Council Member Thomson.

Council concurred to remove item 7, Code of Conduct, from the agenda at the request of City staff.

PLEDGE OF ALLEGIANCE was led by Mayor Dahlmeier.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Bobby O'Reiley, Bill Speer and Eric Smith.

PROCLAMATION / PRESENTATION

Mayor Dahlmeier presented a proclamation honoring the Historic State Theatre to Jim Moll, representing S.T.A.G.E. and declared April 7, 2018 and every April 7th thereafter as a day to honor this historical state theatre.

CONSENT CALENDAR

MOTION by Vice Mayor Goodson, seconded by Council Member Del Rosario, approved Items No. 1, 2 & 3 on the Consent Calendar as submitted.

1. Approved the March 20, 2018 Regular Meeting minutes and March 8, 2018 Special Meeting minutes of the Oroville City Council.
2. Approved Support Letter Authored & Presented by Finance Director Ruth Wright For AB 2268 (Reyes) – Annexation Finance: Restoration of Lost Revenue, to be transmitted to Assembly Member Eloise Gomez Reyes, Senator Jim Nielsen, Assembly Member James Gallagher, LCC Deputy Executive Director and Legislative Director Dan Carrigg and Meg Desmond, LCC (cityletters@cacities.org). AB 2268 could potentially increase annual revenues to the City of Oroville and approximately 140 other cities that had annexed inhabited territory in reliance on previous financial incentives provided by AB1602 which funds were subsequently swept away by SB 89.

- 3. ACKNOWLEDGED RECEIPT** of the Housing Element Annual Progress Report (Housing Element APR) for 2017 and the Housing Successor Agency Annual Report (Annual Report) for fiscal year 2016-2017 **AND DIRECTED STAFF TO SUBMIT** to the State Department of Housing and Community Development (HCD).

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Vice Mayor Goodson, and Mayor Dahlmeier.
Noes: None
Abstain: None
Absent: Council Member Thomson.

ITEMS REMOVED FROM THE CONSENT CALENDAR – None.

PUBLIC HEARINGS – None.

REGULAR BUSINESS

- 4. DWR CORRESPONDENCE ON FRANCHISE AGREEMENT VS. ENCROACHMENT FEE FOR POWER AND FIBER OPTIC CONDUIT PROJECT IN GLEN DRIVE**

Mike Massaro, Contract City Engineer, reported to Council regarding the March 6, 2018 request from the Department of Water Resources to pay a one-time encroachment fee in an approximate amount of \$42,000 instead of entering into a franchise-type of agreement, or “Agreement to Right of Entry/Possession”, for use of City owned property identified as a portion of Glen Drive relating to the installation of new fiber optic communication cable and requested direction from the Council.

LeRoy Ellinghouse, Department of Water Resources (DWR) representative, stated that the DWR Legal Department would prefer an encroachment permit process as they believe it is a better fit for this type of project as the project is for a single use for the sole purpose of DWR, and that they are not opposed to adding a conduit for use by other utilities.

Mayor Dahlmeier recognized a speaker on this matter:

1. Bobby O’Reiley stated that he lives in the location of this project, that they currently do not have access to internet services, and that he would like to see this trench used to provide better internet and phone services to the neighborhood.

Council concurred that an encroachment permit and one-time lump sum payment along with an additional conduit added to the project for future services would be in the better interests of the City rather than an annual franchise-type of agreement and directed staff to bring this matter back to the City Council for further discussion and action.

- 5. ANNUAL AUDIT SERVICES – Request to budget fee increase of \$4,600 for annual audit services provided by Chavan and Associates, LLP. Report by Finance Director Ruth Wright.**

A motion by Vice Mayor Goodson, seconded by Council Member Draper, directed staff to budget an increase of \$4,600 in the next fiscal budget, to cover additional workload for Chavan and Associates, the City’s auditors, necessitated by new pension audit

requirements, new audit and disclosure requirements related to Governmental Accounting Standards (GASB) pronouncement 75 effective June 5, 2017, as well as other requirements related to new GASB pronouncements.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Vice Mayor Goodson and Mayor Dahlmeier.
Noes: None
Abstain: None
Absent: Council Member Thomson

6. PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND JOANNA GUTIERREZ TO SERVE AS INTERIM CITY CLERK. Report by Bill LaGrone, Acting Personnel Director.

A motion by Council Member Hatley, seconded by Council Member Del Rosario, adopted Resolution No. 8692, A Resolution of the Oroville City Council Authorizing and Directing the Mayor to Execute a Professional Services Agreement Between the City of Oroville and Joanna Gutierrez to Serve as Interim City Clerk (Agreement No. 3247). The term of the agreement is April 3, 2018 through December 31, 2018, total compensation not to exceed \$48,375 without additional written authorization from the City governing body.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Vice Mayor Goodson and Mayor Dahlmeier.
Noes: None
Abstain: None
Absent: Council Member Thomson.

7. DEFERRED COUNCIL CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS. This item was removed from the agenda, at the request of City staff, in order that a full Council could be present to consider the item.

8. Approved sending a letter of support to Assembly Member Gallagher regarding AB 2957 to request the University of California system create a water technology hub in Oroville.

A motion by Council Member Draper, seconded by Vice Mayor Goodson, approved sending a letter of support to assembly Member Gallagher regarding AB 2957 that would request the University of California system to create a water technology hub in Oroville.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Vice Mayor Goodson and Mayor Dahlmeier.
Noes: None
Abstain: None
Absent: Council Member Thomson.

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

Vice Mayor Goodson attended the sewer meeting last week, served as a judge at the annual Butte county spelling bee, and informed Council that the first and second place recipients are from Oroville schools and will be going on to the state spelling bee.

Council Member Draper attended the second meeting of the Haven of Hope on Wheels Committee which has organized for the purpose of raising funds for a truck that would provide showers and laundry facilities to serve the homeless community throughout all of Butte County. The goal is give people an opportunity to clean themselves up so that they feel presentable enough to apply for jobs and services.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Interim City Administrator, Tom Lando, introduced himself to the City Council.

Council concurred to set special meetings on the following dates as requested Ruth Wright, Finance Director, for the purpose of creating a budget for the 2018/2019 budget:

- Apr 11 – 3:00 to 5:00 pm
- Apr 25 – 3:00 to 4:00 pm
- May 22 – 3:00 to 5:00 pm

Interim City Administrator Bill LaGrone confirmed the Council direction for staff to bring forward a recommendation for Charter Amendments, the Open Trench Policy, and for changing the order of the agenda to move non-agenda items to beginning of meeting.

CORRESPONDENCE – None.

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

1. John Miller-George is opposed to establishing another liquor store and in favor of providing opportunities for bio-tech industries in Oroville.
2. Pastor Ed Hall stated that he is a new business owner in the Oroville Plaza, that there are problems with individuals who are not homeless harassing potential customers, vandalizing buildings and leaving various types of waste including defecating on the site which precludes sales that will generate sales tax and asked for help from the city.
3. Kevin Driggers provided an executive summary to the Council for a proposal to establish a Medical Cannabis Dispensary Business in the City of Oroville and asked for the Council to help move this forward.
4. Billy Speer offered a prayer of thanks for the City Council and staff and for the resources and opportunities that are available in the community.
5. Chris Saraga reported on his attendance at a meeting with local legislators regarding opposition to SB 54, the sanctuary city bill, and asked Council to join the opposition.
6. Matt Murray, Department of Water Resources, informed Council that Lake Oroville is up to an elevation of 794 and to expect regular updates from the DWR regarding the possible use of the spillway gates.
7. Mary Barr spoke regarding the issues occurring at the Oroville Plaza reported by Ed Hall and suggested there might be ways for the business owners to address these situations through restraining orders.
8. Pastor Steven Terry stated that the Council decision to move forward with the cannabis

issue has created problems for the Oroville Rescue Mission, and that cannabis will never be allowed on this private property.

Council Member Del Rosario called the Council's attention to a petition titled "Tax Fairness, Transparency & Accountability Act 2018" which will take away the ability of cities to charge fees and levy taxes and fines and will result in great revenue losses, and suggested that it be reviewed carefully by signators.

ADJOURNMENT

The meeting was adjourned at 7:55 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, April 17, 2018, at 5:30 p.m.

DATE OF COUNCIL APPROVAL: April 17, 2017


Joanna Gutierrez, Interim City Clerk


Linda Dahlmeier, Mayor